

THE HONORABLE MARSHA J. PECHMAN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

REC SOFTWARE USA, INC., a Virginia
corporation

Plaintiff,

v.

HTC AMERICA, INC., a Washington
corporation

Defendant.

Case No. 14-cv-01025-MJP

JOINT STATUS REPORT

Pursuant to the Court's minutes entry of October 14, 2014 (*see* Dkt. #21), the parties submit this joint status report memorializing the following issues discussed at the status conference held October 9, 2014.

Periodic judicial conference. The parties agree to conduct periodic conferences with the Court every 90 days. The parties will propose a date for the first such conference when the parties submit a case schedule on November 14, 2014.

Proposed system for consolidated filings. The parties agree that the eleven cases filed by Plaintiff in this District bearing Case numbers 2:14-cv-1025-MJP, 2:14-cv-1047-MJP, 2:14-cv-1048-MJP, 2:14-cv-1050-MJP, 2:14-cv-1051-MJP, 2:14-cv-1053-MJP, 2:14-cv-01056-MJP, 2:14-cv-01058-MJP, 2:14-cv-1059-MJP, 2:14-cv-1060-MJP, 2:14-cv-1062-MJP, may be consolidated for discovery purposes, which will allow filings in a single case. Per Local Civil

1 Rule 42(a), the parties will file a stipulated motion in the earliest-filed case no later than
2 November 14, 2014.

3 Unified filing practice. The parties disagree with respect to the scope of any unified filing
4 practice.

5 Using the optional procedure established in LCR 37(a)(2) for motions related to
6 discovery, the defendants agree to consent to this District's unified filing practice for purposes of
7 discovery motions. Although the defendants maintain that it would be prohibitively inefficient to
8 use this practice designed for discovery motions for more complex case filings, such as claim
9 construction briefing or dispositive motions, the defendants agree and intend to work with
10 Plaintiff in good faith to identify any additional motions and filings that could be made subject to
11 the unified filing process (e.g., after Plaintiff serves its infringement contentions and the
12 defendants are able to determine what features/functionalities are accused of infringement).
13 Defendants have every intention of coordinating filings with each other wherever possible, for
14 example by filing joint briefs or motions when appropriate.

15 Plaintiff believes that judicial efficiency is best served by implementing a coordinated,
16 unified filing practice pursuant to which the defendants would confer amongst themselves prior
17 to filing any motion and file a single joint motion with respect to all common issues. For
18 example, to the extent that any defendant intended to file a motion for summary judgment with
19 respect to the validity of the asserted patent, then only one unified, joint motion and
20 memorandum would be filed as to all defendants in all of the above-referenced cases. Such a
21 practice would clarify the issues in dispute and minimize the burden on the Court. Accordingly,
22 plaintiff agrees to a coordinated, unified filing practice that would extend beyond discovery
23 motions to require defendants to coordinate their efforts and submit a single, unified, joint
24 motion and memorandum with respect to any common issue—including any motions by
25 defendants that would address the same pleading, procedural matter (e.g., claim construction), or
26

1 legal or factual issue—with limited supplemental memoranda permissible, if necessary, to
2 address issues that may be unique to a particular defendant. Plaintiff does not believe that the
3 optional expedited joint discovery motion procedure provided for in LCR 37(a)(2) is an
4 appropriate procedure or model to be adopted with respect to any coordinated, unified filing
5 practice in the instant cases.

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7 DATED this 23rd day of October, 2014.

8 STOLL STOLL BERNE LOKTING
9 & SHLACHTER P.C.

KNOBBE MARTENS OLSON
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